

HB 1374 -- PATENT INFRINGEMENT

SPONSOR: Cox

This bill prohibits a person from making a bad faith assertion of patent infringement and specifies the factors the court may consider as evidence that a bad faith assertion has or has not been made.

Where the court makes a finding that a target has established a reasonable likelihood that a bad faith assertion of patent infringement has been made, the court must require the person to post a bond in an amount equal to a good faith estimate of the target's costs to litigate the claim and amounts reasonably likely to be recovered, conditioned upon payment of any amounts finally determined to be due to the target. A hearing must be held if either party requests one. No bond ordered under these provisions can exceed \$250,000. The court may waive the bond requirement if it finds the person has available assets equal to the amount of the proposed bond or for other good cause shown.

The bill authorizes a target of bad faith assertion of patent infringement to bring a cause of action in circuit court and specifies the remedies available to a plaintiff who prevails in such an action.

The Attorney General's authority to investigate, restrain, and prosecute civil actions under the Missouri anti-trust law applies to investigating and prosecuting actions brought under these provisions. Monetary awards or settlements recovered by the Attorney General, aside from awards to the target, may be credited to the antitrust revolving fund and be made available for the payment of all costs and expenses incurred by the Attorney General in investigation, prosecution, or enforcement of these provisions.